

PATENT

Atty. Dkt. No. APPM007669.P3/PPC/ECP/CKIM

REMARKS

This is intended as a full and complete response to the Final Office Action dated March 15, 2006, having a shortened statutory period for response set to expire on June 15, 2006. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-23 remain pending in the application and are shown above. Claims 1-23 stand rejected by the Examiner. Reconsideration of the rejected claims is requested for reasons presented below.

Claims 1, 10, 11 and 18 have been amended to clarify the invention. Claims 1, 10, 11 and 18 have been amended to require a membrane support positioned to separate the anolyte compartment and the catholyte compartment, the membrane support having an ionic membrane coupled therewith. Support for the amendment can be found in the specification as originally filed at paragraph [0029].

Claims 1-23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2004/0016647 A1 to *Yang et al.* Applicants respectfully traverse the rejection.

Attached hereto are Rule 132 Declarations signed by Michael X. Yang and Nicolay Y. Kovarsky, the inventors of *Yang et al.* which show that the subject matter disclosed, but not claimed in *Yang et al.* is not "by another" as required by 35 U.S.C. § 102(e). Withdrawal of the rejection is respectfully requested.

Claims 1-9 and 11-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0011415 A1 to *Hey et al.* in view of U.S. Patent No. 6,251,255 B1 to *Copping et al.* Applicants respectfully traverse the rejection.

Hey et al. and *Copping et al.* do not disclose a membrane support positioned to separate the anolyte compartment and the catholyte compartment and having an ionic membrane coupled therewith. Therefore, *Hey et al.* and *Copping et al.*, alone or in combination, do not teach, show, or suggest a membrane support positioned to separate the anolyte compartment and the catholyte compartment and having an ionic

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membrane coupled therewith, as recited in claims 1, 11 and 18, and claims dependent thereon. Withdrawal of the rejection is respectfully requested.

Applicants further traverse the rejection of dependent claims 2-9, 12-17 and 19 on grounds that they depend from claims 1, 11 and 18, which are believed to be allowable as indicated above. Withdrawal of the rejection is respectfully requested.


Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0011415 A1 to *Hey et al.* in view of U.S. Patent No. 6,251,255 B1 to *Copping et al.* and further in view of U.S. Patent Application Publication 2002/0189950 A1 to *Genders et al.* and Applicants' admitted prior art. Applicants respectfully traverse the rejection.

Hey et al., *Copping et al.*, *Genders et al.* and Applicants' admitted prior art do not disclose a membrane support positioned to separate the anolyte compartment and the catholyte compartment and having an ionic membrane coupled therewith. Therefore, *Hey et al.*, *Copping et al.*, *Genders et al.* and Applicants' admitted prior art, alone or in combination, do not teach, show, or suggest a membrane support positioned to separate the anolyte compartment and the catholyte compartment and having an ionic membrane coupled therewith, as recited in claim 10. Withdrawal of the rejection is respectfully requested.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

Having addressed all issues set out in the Final Office Action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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